

Circuit Court for Baltimore City
Case No.: C-24-FM-25-809029

UNREPORTED

IN THE APPELLATE COURT
OF MARYLAND*

No. 612

September Term, 2025

JONATHAN EVERETT

v.

BRITTANY ARTIS

Tang
Kehoe, S.
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Hotten, J.

Filed: November 26, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal arises from a final protective order issued by the Circuit Court for Baltimore City in May 2025, following a hearing in which Petitioner, Brittany Artis (Appellee) sought protection against Respondent, Jonathan Everett (Appellant), who is the father of her child. During the protective order hearing, Appellant, who appeared pro se, challenged the decision of the circuit court not to admit the video ring camera evidence he sought to introduce in his defense and for impeachment purposes. The circuit court denied the request on relevancy grounds and granted the protective order in favor of Appellee. Appellant, through counsel, noted an appeal. Appellee did not file a brief. Appellant presents two issues for our review:

1. Did the trial court err and deprive Appellant/Defendant of fundamental fairness by refusing to allow Appellant/Defendant to introduce admissible Ring camera video evidence after repeatedly assuring him that he would have an opportunity to present his Ring camera video evidence for defense and witness impeachment?
2. Did the trial court abuse its discretion by excluding Appellant/Defendant's admissible video evidence by solely relying on Appellee/Plaintiff's Counsel's statement the videos don't show everything, although Appellee/Plaintiff's Counsel's [sic] only viewed a snippet of the five videos offered as evidence[?]

For the reasons that follow, we answer both questions in the negative and affirm the judgment of the circuit court.

BACKGROUND

Appellant and Appellee are the parents of a minor child and were involved in an ongoing custody dispute at the time of the events giving rise to this protective order. In April 2025, an incident occurred near the outside of Appellant's residence that formed the basis for Appellee seeking a protective order. According to Appellee's testimony, she

arrived at Appellant’s residence followed by her boyfriend, Nathan Futrell, in a separate vehicle.

When Appellee exited her vehicle to remove the child from his car seat, Appellant asked if someone was waiting for Appellee. After Appellee confirmed that someone was waiting for her, Appellant “became aggressive,” slammed the child’s shoes on the roof of Appellee’s vehicle, and said, “you have the audacity to bring this clown to my house” and started to come towards Appellee. Appellee testified that Appellant then “pushed me out of the way.” Mr. Futtrell, testifying as a witness for Appellee, related that he observed the incident from his vehicle and observed Appellant push Appellee “out of the way to come to or approach my car.” Mr. Futtrell also testified that prior to the push, Appellee was “just doing, like, putting her hands like this and telling somebody, like, stop, don’t go over there.” Appellant denied pushing Appellee or making any physical contact with her. He denied calling Mr. Futtrell a “clown” and denied touching Appellee. During the court’s questioning, Appellant stated: “I did not do that” when asked if he pushed Appellee, and later emphasized, “I never touched her ever.”

At the outset of the protective order hearing, when asked if he had any witnesses, Appellant responded: “No, only electronic and audio[,]” referring to ring camera video evidence belonging to a neighbor who sent it to Appellant electronically. Appellant explained that the five videos would demonstrate that if he had pushed Appellee, “you wouldn’t calmly walk[,]” and that the videos would show “you don’t hear me say anything, no laughter, no chump, none of that.” Appellee noted an objection to the admission of the videos on the grounds that the videos may not have captured the assault. Appellant agreed

the videos did not directly show the assault, but moved for its admission, arguing the absence of commotion in the videos proved an assault did not occur:

THE DEFENDANT: There was nothing to see because if there is an assault, you should hear—there should be some commotion. No one gets assaulted and pushed and then when you do see them, they walk towards me.

The circuit court engaged in an extended discussion regarding the relevancy and authentication of the video evidence, referencing *Mooney v. State*, 487 Md. 701 (2024) (determining whether video footage was properly authenticated through circumstantial evidence), and surmised that everyone appeared to agree regarding the authentication framework, stating “I think we’re in agreement.” During the hearing, Appellant repeatedly requested the opportunity to present the video evidence. At some point, Appellee’s counsel objected to the admission of the video evidence. In sustaining the objection, the court acknowledged its understanding of the parties’ positions regarding the basis for the objection. Specifically, the court stated:

THE COURT: No, I understand. But counsel—counsel’s point is that you can’t see—I mean, all of this—

THE DEFENDANT: Okay.

THE COURT: —two and a half plus hours is about a five second interaction.

The court further explained:

THE COURT: And I understand counsel’s point to be that you can’t see the period when you’re standing together for me to determine well, can you see what went down or not. And I don’t—and I hear you to be saying, sort of conceding, you can’t see what went down when the two of you were standing in close proximity. Right?

THE DEFENDANT: Your Honor, the only close proximity it was was [sic] me putting the shoes on her vehicle and we were standing there talking.

THE COURT: Yeah, yeah, yeah. Okay. And does the video show that?

THE DEFENDANT: No.

* * *

THE COURT: There's already been testimony that [Appellee walked back after the alleged assault] happened. And I don't understand Ms. Artis to be disputing that, frankly. So to the extent that there's points to be scored there, I think you've made that point.

Ultimately, the circuit court sustained Appellee's relevance objection, stating:

THE COURT: There's been testimony as to [the point that nobody gets assaulted and then walks towards the assaulter]. So, I'm going to sustain the objection, not on authentication grounds, but on relevance grounds given that it doesn't show the relevant portion. That being said, I appreciate the points that you're making about the types of things that you might be able to prove with this video. But because—I'm sustaining the objection because I think there's already been testimony for you to sort of score those points, so to speak.

Following the hearing, the circuit court issued a final protective order in favor of Appellee.

STANDARD OF REVIEW

An appellate court reviews the decision by the circuit court to grant a protective order under an abuse of discretion standard. *Santo v. Santo*, 448 Md. 620 (2016). A circuit court abuses its discretion when its ruling is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *North v. North*, 102 Md. App. 1, 14 (1994).

“Whether evidence is relevant is a legal issue reviewed by appellate courts *de novo*.”

Montague v. State, 244 Md. App. 24, 39 (2019), *aff'd*, 471 Md. 657 (2020). “If [this Court]

determine[s] that the evidence in question is relevant, we proceed to the second step—whether the evidence is inadmissible because its probative value is outweighed by the danger of unfair prejudice, or other countervailing concerns as outlined by Maryland Rule 5-403.” *Akers v. State*, 490 Md. 1, 25 (2025). “[T]he trial judge’s discretionary ruling of the admissibility of evidence under Rule 5-403—is subject to the abuse of discretion standard.” *Id.* An abuse of discretion occurs when the court acts without reference to any guiding principles and the ruling violates fact and logic. *See Bacon v. Arey*, 203 Md. App. 606, 667 (2012).

DISCUSSION

I. The Circuit Court Did Not Deprive Appellant of Fundamental Fairness nor Did it Abuse its Discretion in Finding the Videos Were Not Relevant.

Appellant contends that the trial court deprived him of fundamental fairness by refusing to allow the introduction of the video evidence after repeatedly assuring him he would have an opportunity to do so. He argues that he informed the court that he intended to present “electronic and audio” evidence, and after extensive discussion regarding authenticity, it was his understanding that the court agreed to admit the evidence as circumstantial evidence, which Appellant believed was relevant, material and probative.

Maryland Rule 5-401 defines relevant evidence as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Even evidence that is relevant may be excluded under Maryland Rule 5-403 if “its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or

misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Authentication is but one threshold requirement for admissibility. Evidence must first be relevant and not subject to exclusion under other rules of evidence. *See Md. Rule 5-401; Md. Rule 5-403.*

The circuit court’s preliminary discussions with Appellant regarding authentication was not a final ruling on the admissibility of the video evidence. First, the statement from the court regarding authentication—“I think we’re in agreement”—meant that the authentication hurdle could potentially be overcome, not a guarantee the videos would be admitted.

Second, the court’s assurances that Appellant would have an opportunity to present the videos must be understood in context, since the court was engaged in managing the hearing and indicated that Appellant would have a turn to present evidence as a party. However, the court was still entitled to assess the relevancy and probative value of the videos based on the testimony and evidence previously presented.

Third, and most significantly, the court did not exclude the videos arbitrarily or based on the authentication arguments advanced by Appellee’s counsel. Rather, the circuit court articulated a sound basis for exclusion that was grounded in relevance. The court did not find that the videos captured the critical seconds of interaction between Appellant and Appellee that were the heart of the dispute—the alleged push that constituted assault. The circuit court explicitly noted:

THE COURT: And I understand counsel’s point to be that you can’t see the period when you’re standing together for me to determine well, can you see what went down or not. And I don’t—and I hear you to be saying, sort

of conceding, you can't see what went down when the two of you were standing in close proximity. Right?

Importantly, Appellant appeared to concede this point during his colloquy with the court. In response to the court's question: "And does the video show that?"—referring to the close proximity interaction—Appellant responded, "No." The court reasonably concluded that since the videos did not show the dispositive moments of alleged physical contact, they lacked sufficient probative value on the central factual dispute. The collateral points Appellant sought to establish through the videos—such as Appellee's demeanor following the incident and the absence of audible commotion—had already been addressed through testimony. The court stated: "I think there's already been testimony for you to sort of score those points, so to speak," and noted that Appellee was not "disputing that, frankly."

Fourth, the circuit court indicated that Appellant's objection was sustained "not on authentication grounds, but on relevance grounds given that it doesn't show the relevant portion" of the incident. This demonstrates that the court applied the appropriate legal framework and rendered a reasoned determination that the probative value of the videos was insufficient given its failure to capture the alleged assault.

While Appellant argues that Appellee's counsel's statement that the videos did not "show everything" served as the basis for the court's exclusion, the record reflects that the circuit court made its own independent assessment. The court engaged in an extended colloquy with Appellant regarding what the videos portrayed and concluded that the video evidence was not relevant because the videos did not capture the alleged assault that served as the heart of the dispute, a conclusion that both parties appeared to agree on. The court's

approach was sensitive to Appellant’s arguments. The court engaged in detailed discussions with Appellant regarding the videos, explained the authentication framework, and allowed Appellant ample opportunity to describe what the videos would show. The court’s evidentiary ruling was exercised within its sound discretion.

Appellant was not denied the opportunity to present a defense. He testified, cross-examined the Appellee and Mr. Futtrell, and highlighted what he perceived to be inconsistencies in their testimony. The exclusion of the video evidence did not rise to the level of a deprivation of fundamental fairness, particularly given the fact that the video evidence did not capture the dispositive factual issue of whether an assault occurred, and the determination by the court that the testimony by the witnesses provided sufficient evidence from which the circuit court could conclude that the protective order should be granted. Accordingly, we perceive no deprivation of Appellant’s right to a fair hearing and no abuse of discretion in the handling of the video evidence by the court.

II. The Circuit Court Did Not Abuse its Discretion in Excluding the Videos Because the Court Conducted its Own Independent Assessment.

Appellant argues that the circuit court abused its discretion in excluding the video evidence “by solely relying on Appellee/Plaintiff’s statement that the videos didn’t show everything, although Appellee/Plaintiff’s Counsel only viewed a snippet of the five videos offered as evidence.” He asserts that “[t]he statement of Appellee/Plaintiff’s Counsel that the videos don’t show everything is not an evidential basis in Maryland for the court to rely on in excluding otherwise relevant, admissible, material Ring camera video evidence.” Additionally, Appellant contends that “the court impermissibly ceded its own power,

authority and obligation to review Appellant/Defendant’s hearing evidence to private counsel in a pro se custody case without reason and constitutes a reversible abuse of discretion.”

However, as discussed above, the record demonstrates that the circuit court did not defer to opposing counsel’s characterization, but rather conducted its own independent assessment of the relevance and probative value of the videos. The hearing transcript reflects an extended dialogue between the court and Appellant regarding what the videos portrayed. Specifically, the circuit court asked Appellant whether the videos showed the proximity of the interaction between Appellant and Appellee. Appellant acknowledged that they did not. The court thereafter articulated its own reasoning for the exclusion based on a lack of relevance, explaining that the videos did not show “the relevant portion[,]” i.e., the alleged push forming the basis of the assault. The circuit court’s ruling was not limited to the arguments and characterizations by opposing counsel. Rather, the court engaged in the precise type of independent assessment that is required. The court questioned Appellant regarding the content of the videos, considered the factual issues in dispute, evaluated whether the videos would lend meaningful evidence beyond the testimony rendered, and made a reasoned determination about relevance and probative value. The court explicitly indicated that it was making an admissibility ruling “on relevance grounds” since the videos did not show “the relevant portion” regarding whether an assault occurred.

Further, we reject any suggestion that the court was obliged to view the videos before denying admission. Where, as here, Appellant acknowledged that the videos did not capture the critical interaction between Appellant and Appellee as it pertains to an

alleged assault, and where the court reasonably determined that the collateral points the videos might establish were already in evidence through testimony from the witnesses, the court was not obliged to view the videos prior to its decision to exclude their admissibility, particularly where the party seeking admissibility concedes that the evidence does not capture the relevant piece of the interaction.

In sum, the circuit court properly exercised its discretion in evaluating the relevance and probative value of the video evidence. Appellant received a fair hearing. He was afforded the opportunity to present a defense, and the court articulated a sound basis for denying the admission of the video evidence.

CONCLUSION

For the foregoing reasons, we hold that the circuit court did not abuse its discretion in denying the admissibility of the Ring camera video evidence and did not deprive Appellant of due process or fundamental fairness.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY IS AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**